

5923. Adulteration and misbranding of wheat middlings. U. S. * * * v. National Feed Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 7982. I. S. No. 19758-1.)

On March 19, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Feed Co., a corporation, at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 2, 1916, from the State of Illinois into the State of Indiana, of a quantity of an article labeled in part, "Wheat Middlings," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contained screenings.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, ground screenings, had been substituted in part for wheat middlings, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Wheat Middlings," was false and misleading in that it represented to purchasers that the article consisted wholly of wheat middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted wholly of wheat middlings, when, in truth and in fact, it did not, but consisted of a mixture of wheat middlings and ground screenings, and for the further reason that it consisted of, to wit, a mixture of wheat middlings and ground screenings and was offered for sale under the distinctive name of another article, to wit, wheat middlings.

On November 13, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*